



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 6, 1995

Mr. David M. Douglas  
Assistant Chief, Legal Services  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR95-1193

Dear Mr. Douglas:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 36347.

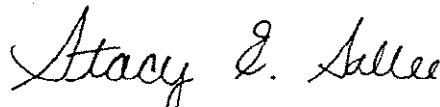
The Texas Department of Public Safety (the "department") received a request for a report relating to the arrest of Ruth Woollett. You state that you will released public information from the first page of the offense report. However, you claim that the remainder of the requested information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claimed and have reviewed the documents at issue.

Section 552.108(a) excepts from disclosure records of law enforcement agencies or prosecutors that deal with criminal investigations and prosecutions. When applying section 552.108, this office distinguishes between cases that are still under active investigation and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, section 552.108 excepts from disclosure all information except that generally found on the first page of the offense report. See generally *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Once a case is closed, information may be withheld under section 552.108 only if its release "will unduly interfere with law enforcement or crime prevention." See *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977); Attorney General Opinion MW-446 (1982); Open Records Decision Nos. 444 (1986), 434 (1986).

You inform us that this criminal investigation is on-going. Therefore, with the exception of information that typically appears on the first page of an offense report,<sup>1</sup> the department may withhold the requested information under section 552.108. To determine what information must be released, the type of information must be examined rather than its location. See Open Records Decision No. 127 (1976) at 5. We have enclosed a list of the type of information that must be released under the decision in the *Houston Chronicle* case.<sup>2</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/ch

Ref.: ID# 36347

Enclosures: Summary of Open Records Decision No. 127 (1976)  
Submitted documents

cc: Ms. J. Vorwerk  
Attorney  
P.O. Box 21  
Taylor, Texas 76574  
(w/enclosure - Summary of Open Records Decision No. 127 (1976))

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<sup>1</sup>We note that some of the records submitted for our review appear to be public court records. You may not withhold under section 552.108 documents that have been filed with a court and have become public record. See generally Attorney General Opinion DM-166 (1992); Open Records Decision No. 618 (1993).

<sup>2</sup>As we have concluded that the department may withhold the requested information under section 552.108 and the department is releasing first-page offense report information, we need not address your claimed section 552.103 exception.